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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,516	01/06/2004	Brian S. Hilton	117060	3346
25944	7590	12/14/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER VO, ANH T N	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,516

Applicant(s)

HILTON ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,15,16 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-4,7,9-14,17 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections

Claim Rejections - 35 USC § 112

Claims 1-7 and 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, it is unclear how the recitation “external surface”, “outer face” and “internal”, “face” and “capillary” are read on the preferred embodiment. Insofar as understood, no such surface, faces and capillary are seen on the drawings. The same is true for reciting “a reservoir waste fluid station” on lines 5 and 12.

In claim 15, it is unclear what the “capillary action” on line 5 is and how the action can wick the spilled fluid and where the action and the spilled fluid come from.

In claim 16, the recitation “wicked fluid” on line 1 is confusing because it is unclear if this is additional “fluid” or further recitation of the previously claimed “fluid” on line 5 of claim 16. The same is true for reciting “wicked fluid” in claims 17-18.

In claim 19, it is unclear how the reservoir can be “moved” and how the movement can “promote” the evaporation of the wicked fluid.

The remaining claims are dependent from the above rejected claims therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 5, 8, 15-16, 18 are rejected under 35 USC102 (a) as being anticipated by Hideto (JP409104118A).

As the best construed, Hideto discloses in Figures 1-9 an ink supply apparatus comprising:

- an ink cartridge having a printhead (not shown) and refillable fluid reservoir (Ca) which includes at least one refill port (C3); and
- a retaining clip (11) covering the refill port (C3) and having through holes (130a) to provide access to the refill port (C3); the clip (11) having an exterior surface (top); and an outer face and an inner face which includes at last one capillary (14) (see Figure 7).
- With regard to claims 5-6, the recitation “waste fluid station” and “pad” is read on the location where the pads (15, 16) are placed in Figure (6).
- With regard to claim 14, wherein the recitation “ball valve seat” is read on the elements (C3, C3’) as shown on Figure 6.
- With regard to claim 15, wherein the spilled fluid is wicked by capillary action of the capillary (14, Figure 7).
- With regard to claim 18, wherein the fluid wicked by the capillary member (14) is evaporated because it is exposed to air as shown in Figures 1-2.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references (US Pat. 5,479,968; US Pat. 5,531,055; US Pat. 6,053,603;

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US Pat. 6,135,590; US Pat. 6,572,214) cited in the PTO 892 form show a fluid connection that is deemed to be relevant to the present invention. These references should be reviewed.

Allowable Subject Matter

Claims 2-4, 7, 9-14, 17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The claims are allowed because the prior art of record does not suggest:

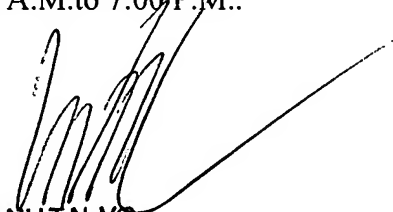
- at least one capillary is formed by at least two capillary ribs as recited in claims 2 and 9,
- at least one capillary includes at least one groove formed in the at least one of the exterior surface and the inner face as combined in claims 3 and 10.
- through holes formed on the outer and inner faces, raised lips being formed on the inner face at least partially surrounding the through holes as combined in claims 4 and 11.
- at least one evaporation hole formed in the outer and inner face in the vicinity of the reservoir waste fluid station as combined in claims 7 and 13.
- the reservoir is moved to promote evaporation of the wicked fluid as combined in claim 19.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.


ANH T.N. VO
PRIMARY EXAMINER
December 9, 2005